

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/937,945	10/02/2001	Andreas Fuchs	WLL-12659	8707
40854 7:	590 07/06/2006		EXAMINER	
RANKIN, HILL, PORTER & CLARK LLP 4080 ERIE STREET			MATHEW, FENN C	
WILLOUGHBY, OH 44094-7836			ART UNIT	PAPER NUMBER
	,	,	3764	
		·	DATE MAILED: 07/06/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

				SP			
		Application No.	Applicant(s)				
Office Action Summary		09/937,945	FUCHS ET AL.				
		Examiner	Art Unit				
		Fenn C. Mathew	3764				
Period fo	The MAILING DATE of this communication apport	pears on the cover sheet	with the correspondence add	lress			
WHI(- Exte after - If NO - Failu Any	ORTENED STATUTORY PERIOD FOR REPL CHEVER IS LONGER, FROM THE MAILING D nsions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. O period for reply is specified above, the maximum statutory period are to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailined patent term adjustment. See 37 CFR 1.704(b).	NATE OF THIS COMMUN 136(a). In no event, however, may will apply and will expire SIX (6) Mile, cause the application to become	NICATION. a reply be timely filed ONTHS from the mailing date of this con ABANDONED (35 U.S.C. § 133).				
Status							
1)	Responsive to communication(s) filed on 19 J	une 2006.					
,	This action is FINAL. 2b) This action is non-final.						
3)⊠	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposit	ion of Claims						
5)□ 6)⊠ 7)□	4) Claim(s) 1-23 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 9 and 23 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.						
Applicat	ion Papers						
9)	The specification is objected to by the Examine	er.					
10)	The drawing(s) filed on is/are: a) acc	cepted or b) Dobjected t	o by the Examiner.				
	Applicant may not request that any objection to the						
11)	Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the E.						
Priority	under 35 U.S.C. § 119						
12) [a)	Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority documen 2. Certified copies of the priority documen 3. Copies of the certified copies of the priority documen application from the International Burea See the attached detailed Office action for a list	ats have been received. Its have been received in brity documents have been in the law (PCT Rule 17.2(a)).	Application No en received in this National S	Stage			
			JEROME DONNELLY PRIMARY EXAMINED	2			
Attachme	nt(s)		<u> </u>				
2) Noti 3) Info	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 er No(s)/Mail Date	Paper N	w Summary (PTO-413) lo(s)/Mail Date of Informal Patent Application (PTO 	l-152)			

Application/Control Number: 09/937,945 Page 2

Art Unit: 3764

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 112

- 2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claims 9 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has recited in claim 1 that the drive system is used in a vehicle. Claims 9 and 23 further state that the drive system is used in a stationary training apparatus. Examiner is unclear as to how a vehicle can be a stationary training apparatus. Appropriate clarification or correction is required.

Allowable Subject Matter

4. Claims 1-8 and 10-22 are allowable. The prior art of record fails to teach the electric drive system, generator, electrical transmission, drive motor, control system, as substantially claimed.

Conclusion

5. This application is in condition for allowance except for the following formal matters:

مو

Application/Control Number: 09/937,945

Art Unit: 3764

The rejections of claims 9 and 12 as noted above.

Prosecution on the merits is closed in accordance with the practice under *Ex* parte Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO**MONTHS from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C. Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ゴル fcm JEROME DONNELLY PRIMARY EXAMINER